IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7421 OF 2007

Subhash S. Nalawade ....Petitioner
V/s
Ganga Park Coop. Hsg. Soc. Ltd. & Ors..... .....Respondents.

Mrs.Pooja P. Gaonkar i/by Mr.P.M.Gaonkar, Adv. For the petitioner.
Ms.P.S.Cardozo, Adv. For the respondent No.2.

CORAM: A.P.DESHPANDE, J.
5/10/07

PC:

The respondent-society instituted dispute before the Cooperative Court against the present petitioner, who is its member, seeking declaration that the present petitioner has no right to install the solar water heater system on the terrace thereby depriving other members of right to common use. The system has been installed by the petitioner without permission of the society and hence same was objected to. The trial Court decreed the suit and the appeal filed by the present petitioner before the Cooperative Appellate Court has been dismissed by holding that the petitioner does not have a right to install solar water heater system without permission of the society. Perused the impugned order and same does not call for any interference. Learned counsel for the petitioner has mainly submitted that the amendment which was granted by the trial Court which squarely objects to installation of the system was itself erroneous. Perusal of the unamended dispute reveals that the amended prayers are in fact comprised in the original prayers. Hence no prejudice could be said to have been caused to the petitioner by allowed the said amendment. In the result writ petition is summarily dismissed.

5.10.07